

REMARKS

The office action of January 26, 2006, has been carefully considered.

It is noted that claim 1 is objected to for containing various informalities.

Claims 1 and 5-15 are rejected under 35 U.S.C. 112, first paragraph.

Claims 9-11 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1, 5-10, 12 and 13-15 are rejected under 35 U.S.C. 102(b) over the patent to Thiel et al.

Claim 11 is rejected under 35 U.S.C. 103(a) over Thiel et al.

In view of the Examiner's rejections of the claims applicant has amended claim 1.

Applicant has amended claim 1 as suggested by the Examiner. Thus, it is respectfully submitted that the objection to claim 1

for containing informalities is overcome and should be withdrawn.

It is further respectfully submitted that with the amendment to claim 1 the rejection of claims 1 and 5-15 under 35 U.S.C. 112, first paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claim 1 to address the instances of indefiniteness cited by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claims 9-11 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references and particularly to the patent to Thiel et al., it can be seen that this patent discloses a floating-caliper spot-type disc brake for high-powered vehicles. Thiel et al. disclose a completely different brake concept than the presently claimed invention. The Thiel et al. construction has

a completely different loading arrangement and is in a completely different field. The construction of Thiel et al. has different objectives than the present invention, as mentioned at column 1, lines 65-67. In order to provide the necessary braking force Thiel et al. use directly or indirectly opposed pads. Thiel et al go on to state at column 1, lines 49-57 that long shoes generate noises and rubbing. Thus, large/long brake shoes, as required in disk brakes of commercial vehicles, are considered as detrimental by Thiel et al.

With the brake of Thiel et al., two shorter brake pads 5, 7 are on the tension side and a longer pad 6 is on the rim side. The single long pad 6 is arranged exactly centered between the two shorter pads 5, 7. Thus, the centroid 36 of the friction surface of the long pad 6 is located, in the circumferential direction of the brake disk, mid-way between the centroids 35, 37 of the friction surfaces of the shorter pads 5, 7, whereby the friction surface of the longer pad 6 corresponds to the sum of the friction surfaces of the shorter pads 5, 7. The facing symmetry is the same in both circumferential directions of the brake disk.

Thiel et al. do not disclose unsymmetrically arranged centers of gravity in the circumferential direction, as in the presently claimed invention.

Although the construction of Thiel et al. also intend to reduce vibration and noise during braking, they do not undertake an equalization/neutralization of the torques to unload the caliper guide or reducing of the brake mounting, as in the presently claimed invention. In Thiel et al. there are three guide pins 27, 30, 31 for mounting and axially guiding the caliper 1 (see column 5, lines 31-32).

Additionally, Thiel et al. describe, and show in Fig. 3, that there is no radial offset between the pads (see 35, 37 relative to 36). This is contrary to the presently claimed invention.

The Examiner believes that Thiel et al. show an offset between the centers of gravity. Applicant submits that the Examiner is not looking at the entire construction of Thiel et al., but instead is only considering a part thereof while disregarding the rest. In Thiel et al. the center 35 is in front of the center 36 and the center 37 is behind the center 36 in the circumferential direction. Since both pads 5, 7 are on the same side and are actuated simultaneously there is no counter-torque applied relative to the long pad 6, as in the present invention which opposes the torque on the side of the brake caliper connected to the axle. Thus, there is no real offset disclosed by Thiel et al. as in the presently claimed invention.

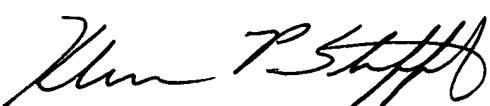
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In view of these considerations it is respectfully submitted that the rejection of claims 1, 5-10, 12 and 13-15 under 35 U.S.C. 102(b) and the rejection of claim 11 under 35 U.S.C. 103(a) over the above-discussed reference are overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on May 26, 2006.

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